

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRY J. BURTON,

Petitioner,

No. CIV S-02-0675 LKK PAN P

vs.

D.L. RUNNELS, Warden, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On April 21, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.


Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 21, 2006, are adopted in full;

2. Petitioner's claims that his trial counsel rendered ineffective assistance and that the California Superior Court erred when it denied petitioner's motions for DNA testing are dismissed as untimely; and

3. Petitioner's claim that his Fifth and Fourteenth Amendment rights were violated by the trial court's introduction of his un-Mirandized statement is denied on the merits.

DATED: September 29, 2006.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT